

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

CRIMINAL NO. 17-CR-30040-DRH

vs.

BERNARD L. CHERRY,

Defendant.

**PRELIMINARY ORDER OF FORFEITURE PURSUANT TO FED.R.CRIM.P.
32.2 WITH RESPECT TO A CERTAIN FIREARM AND AMMUNITION
OF BERNARD L. CHERRY**

In the Indictment filed in the above cause on February 23, 2017, the United States sought forfeiture of property of defendant, Bernard L. Cherry, pursuant to 18 U.S.C. § 924(d) (1). The Court, upon consideration of guilty plea in this matter, hereby finds that the following property is forfeitable and hereby orders forfeited the following property:

A Smith & Wesson, .40 caliber pistol, serial number DWP2672, and any and all ammunition contained therein.

The United States shall provide notice of the forfeiture and the right of persons other than the defendant who have any claim or legal interest in any of the property to file a petition with the Court. The notice shall be provided in a manner consistent with Supplemental Rule G(4)(a) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

The notice shall state that the petition shall be set for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be

signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's claim and the relief sought.

The United States shall, also to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of the Order for Forfeiture, as the substitute for the published notice to those persons so notified.

Upon the filing a petition alleging the third-party interests in the property, the court may amend this order to resolve the claimed third-party interests.

The Bureau of Alcohol, Tobacco, Firearms and Explosives shall seize and reduce to his possession, if he has not already done so, the above-described property.

This Order, pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, shall become final with respect to Defendant Bernard L. Cherry at the time of the Defendant's sentencing, regardless of whether or not the rights of actual or potential third-party petitioners have been determined by that time. This Order shall be made part of the sentence of Defendant Bernard L. Cherry and shall be included in the Judgment imposed against the Defendant. This Order is a final order with respect to the Defendant and this Order may be amended with respect to petitions filed by third-parties claiming an interest in the subject-matter forfeited property.

The United States may abandon forfeiture of the property by filing notice of the abandonment with the Court.

IT IS SO ORDERED.

David R. Herndon



Digitally signed by
Judge David R. Herndon

Date: 2017.09.08

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United States District Court Judge